

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JIHYUN YOO

Plaintiff,

v.

**EGS FINANCIAL CARE, INC.; and
DOE 1-5**

Defendants.

Civil Action No. 1:15-cv-00720-SS

FIRST AMENDED COMPLAINT
(Jury Trial Demanded)

1. Plaintiff alleges violation of the Telephone Consumer Protection Act, 47 U.S.C. 227 et seq. (“TCPA”).

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. 1692k, 28 U.S.C. 1331, and 28 U.S.C. 1367. This District is of proper venue as Plaintiff is a resident within this District and Defendants engaged in the activities alleged herein while Plaintiffs so resided.

PARTIES

3. Plaintiff, JiHyun Yoo (hereinafter “Plaintiff” or “Ms. Yoo”), is a natural person residing in Austin, Texas. Defendant, EGS FINANCIAL CARE, INC. formerly known as NCO

FINANCIAL SYSTEMS, INC. is a corporation believed to maintain its principle place of business at 400 Horsham Road, Suite 130 in Horsham, Pennsylvania.

4. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed.

5. EGS FINANCIAL CARE, INC. and DOE 1-5 shall hereafter be jointly referred to as “Defendants.”

6. Defendants regularly operate as third-party debt collectors and are “debt collectors” as defined by 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

7. Defendants called Ms. Yoo’ cell phone number in connection with an attempt to collect a consumer debt from an individual Ms. Yoo has no knowledge of.

8. Defendants began calling Ms. Yoo in July or August of 2011 with the use of automated telephone dialing system (“ATDS”) and a prerecording message, the content of which is as follows: “This is an important message from NCO Financial Systems, a debt collection company. This is an attempt to collect a debt. Any information obtained will be used for that purpose. Please return the call to Kerr Hewer at 1-800-735-6588. Again, that's Kerr, Hewer at 1-800-735-6588. NCO Financial Systems is a debt collection company. This is an attempt to collect a debt. Any information obtained will be used for that purpose.”

9. Defendants called Ms. Yoo at least 11- times between August 15 and September 20, 2011.

10. On October 11, 2011, Ms. Yoo's counsel contacted Defendants. Defendants admitted that they had been calling Ms. Yoo's number in error.

CAUSES OF ACTION

COUNT I

11. Plaintiff re-alleges paragraphs 1 through 10, inclusive, and by reference hereto incorporates the same as though fully set forth herein.

12. Plaintiff is informed and believes and herein alleges that Defendants violated 47 U.S.C. 227 by calling Plaintiff at least 11-times with the use of an automatic telephone dialing system and pre-recorded message for a non-emergency purpose and without Plaintiff's consent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

COUNT I

- 1.) For statutory damage in the amount of \$5,500.00 pursuant to 47 U.S.C 227(b)(3);
- 2.) For prejudgment interest in an amount to be proved at time of trial;
- 3.) For the costs of this lawsuit; and
- 4.) For any other and further relief that the court considers proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: December 9, 2015

s/Robert Amador
ROBERT AMADOR, ESQ.
Attorney for Plaintiff JiHyun Yoo
Centennial Law Offices
9452 Telephone Rd. 156
Ventura, CA. 93004
(888)308-1119 ext. 11
(888)535-8267 fax
R.Amador@centenniallawoffices.com